

5 - 8-03 #458 #1637

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
4498C1

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|--|--------------------------------|--|
| In re Application of Heid et al. | | |
| Application Number 10/099,738 | Filed March 15, 2002 | |
| For Methods For External Controls For Nucleic Acid Amplification | | |
| Group Art Unit 1637 | Examiner Tung, Joyce | Express Mail No. EL 897 623 056 US |

This is a request under the provisions of 37 CFR § 1.136(a) to extend the period for filing a response in the above-identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) (110) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) (410) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) (930) \$ 930.00
- ☐ Four months (37 CFR 1.17(a)(4)) (1450) \$ _____
- ☐ Five months (37 CFR 1.17(a)(5)) (1970) \$ _____

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 01-2213. I have enclosed a duplicate copy of this sheet.

I am the ☐ assignee of record of the entire interest.

☐ applicant.

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

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May 6, 2003

Date

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Scott R. Bortner
Signature

Scott R. Bortner, Reg. No. 34,298
Typed or printed name

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Appl. No. 10/099,733
Amendment dated May 6, 2003
Reply to Office Action of November 6, 2002

construct the kit comprising an external control polynucleotide as claimed, since there is no express or implied suggestion to make this modification. Therefore, Applicant respectfully requests withdrawal of the rejection of dependent claim 22.


Applicants believe the above remarks and arguments place the application in condition for allowance, and look forward to allowance of the claims as written.

FEE AUTHORIZATION and REQUEST FOR TIME EXTENSION

A Petition for a 3-Month Extension of Time is enclosed herewith. If any additional time extensions are required, such time extensions are hereby requested. If any additional fees not submitted with this response are required, please take such fees from Applied Biosystems Deposit Account No. 01-2213 (Order No. 4498C1).

Respectfully submitted,

Date: May 6, 2003


Scott R. Bortner, Reg. No. 34,298
Attorney for Applicants

Correspondence Address

Customer Number 22896
Applied Biosystems Group
Applera Corporation
850 Lincoln Centre Drive
Foster City, CA 94404
(650) 638-6245 (Phone)
(650) 638-6677 (Fax)